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WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	MEMORANDUM IN SUPPORT OF
vs.	)	PLAINTIFF WAYNE BERRY'S
	)	MOTION IN LIMINE TO
HAWAIIAN EXPRESS SERVICE,	)	EXCLUDE TESTIMONY OF
INC., a California corporation; et al.	)	JEFFREY KINRICH AND
	)	EVIDENCE OF AND ANY
	)	REFERENCE TO THE OPINIONS
	)	CONTAINED IN THE SECOND
	)	SUPPLEMENTAL EXPERT
Defendants.	)	REPORT OF JEFFREY KINRICH
	)	(Plaintiff No. 1)

**MEMORANDUM IN SUPPORT OF PLAINTIFF
WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF JEFFREY KINRICH AND EVIDENCE OF
AND ANY REFERENCE TO THE OPINIONS CONTAINED
IN THE SECOND SUPPLEMENTAL EXPERT REPORT
OF JEFFREY KINRICH (Plaintiff No. 1)**

Attached to the Declaration of Timothy J. Hogan as Exhibit “1” is a copy of the Court’s Minute Order dated January 24, 2006, where the Court addressed the filing of supplemental reports. The Order provides the right of Defendants to submit a supplemental report if Mr. Ueno submits one. Mr. Ueno did not submit a supplemental report in response to this Order. Hogan Dec. ¶¶ 2 - 6 and Exhibit “2.” As the apparent inaugural act of the new lead counsel¹ for the PCT, Mr. Kinrich filed another report. Consistent with its past practices, the PCT has refused to produce Kinrich’s papers related to this report with *pro hac vice counsel* demanding that Plaintiff’s counsel submit a formal request and travel to Los Angeles to pick up the documents. Hogan Dec. Exhibit “2.” In light of the fact that the report is in apparent violation of the Court’s order, the Court is respectfully asked to rule *In Limine* to exclude Kinrich and any reference to the supplemental report.

DATED: Honolulu, Hawai’i, February 22, 2006.

/s/ Timothy J. Hogan
TIMOTHY J. HOGAN
Attorney for Plaintiff WAYNE BERRY

¹ Mr.Liebeler quit.